

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VICTOR ORTEGA,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

CIVIL ACTION NO. 3:13-CV-860

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SCHWAB)

ORDER

NOW, this 6 th day of March, 2014, upon review of the Report and Recommendation of Magistrate Judge Schwab (Doc. 37) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that the Report & Recommendation (Doc. 37) is **ADOPTED** as follows:

- (1) Plaintiff's motion to withdraw his *Bivens* claims (Doc. 33) is **GRANTED**.
- (2) Defendants' motion to dismiss and for summary judgment (Doc. 21) is **GRANTED in part and DENIED in part**. Defendants motion to dismiss the FTCA claims against all Defendants except the United States is **GRANTED** and the FTCA claims against those Defendants are **DISMISSED with prejudice**. Defendants' motion for summary judgment on Plaintiff's FTCA claim against the United States is **DENIED**.
- (3) The matter is **RECOMMITTED** to Magistrate Judge Schwab for further proceedings.



A. Richard Caputo
United States District Judge